



FAIRFAX COUNTY

DP2
OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

April 20, 2000

John J. Bellaschi, Esquire
McGuire, Woods, Battle & Boothe LLP
1750 Tysons Boulevard - Suite 1800
McLean, Virginia 22102-3892

RE: Proffered Condition Amendment
Number PCA 79-C-032

Dear Mr. Bellaschi:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 3, 2000, approving Proffered Condition Amendment PCA 79-C-032 in the name of Westerra Reston, LLC, on subject parcel 11-4 ((22)) (1) 1, 2, 11, 12 and 18, subject to the proffers dated February 7, 2000, consisting of approximately .87 acre located in Hunter Mill District.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

PCA 79-C-032

April 20, 2000

- 2 -

cc: Chairman Katherine K. Hanley
Supervisor Hunter Mill District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation
Ellen Gallagher, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPW&ES
DPW&ES - Bonds & Agreements
Frank Edwards, Department of Highways - VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 3rd day of April, 2000, the following ordinance was adopted.

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT PCA 79-C-032

WHEREAS, Westerra Reston, LLC filed in the proper form an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and


WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Hunter Mill District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 3rd day of April, 2000.



Nancy Velts

Clerk to the Board of Supervisors



Urban Engineering & Associates, Inc.

7712 LITTLE RIVER TURNPIKE
ANNANDALE, VIRGINIA 22003

J. EDGAR SEARS, JR., P.E., C.L.S., R.L.A.
Principal

BARRY B. SMITH, P.E.
Principal

DESCRIPTION OF BLOCK 1, SECTION 69 RESTON DEED BOOK 9017 PAGE 1271 FAIRFAX COUNTY, VIRGINIA

RECEIVED
DEPARTMENT OF PLANNING AND ZONING
APR 20 1995
ZONING EVALUATION DIVISION

(703) 642-8080
(703) 642-8251
FITZGERALD, RILEY, C.L.S.
Associate
ERIC S. SHAW, P.E.
Associate
TERRY L. GILMAN, P.E.
Associate
DAVID T. McELHANEY, P.E.
Associate

Beginning at a point on an easterly line of Block 9, Section 33, Reston as recorded in Deed Book 5646 at Page 106 among the land records of Fairfax County, Virginia, said point being the southwesterly corner of Block 2, Section 69, Reston, Deed Book 8121 Page 1664; thence departing said point and running with said Block 2, Section 69, Reston

North 70° 57' 19" East, 107.80 feet to a point; thence

North 89° 56' 14" East, 144.30 feet to a point; thence

59.65 feet along the arc of a curve deflecting to the right having a radius of 185.50 feet and a chord bearing and distance of North 74° 41' 33" East, 59.39 feet to a point; thence

199.37 feet along the arc of a curve deflecting to the left having a radius of 204.50 feet and a chord bearing and distance of North 55° 58' 31" East, 191.57 feet to a point; thence

North 28° 02' 45" East, 40.05 feet to a point; thence

70.13 feet along the arc of a curve deflecting to the left having a radius of 209.82 feet and a chord bearing and distance of North 18° 28' 16" East, 69.80 feet to a point; thence running with Waterfront Road, Deed Book 7917 Page 774

South 81° 06' 12" East, 55.16 feet to a point; thence

58.44 feet along the arc of a curve deflecting to the left having a radius of 58.00 feet and a chord bearing and distance of North 70° 02' 02" East, 56.00 feet to a point; thence running with Block 3, Section 69, Reston

**RESTON SECTION 69, BLOCK 1
PROFFER STATEMENT
PROFFER CONDITION AMENDMENT
PCA 79-C-032**

February 7, 2000

Pursuant to § 15.2-2303A of the Code of Virginia (1950, as amended) and Article 16 of The Zoning Ordinance of the County of Fairfax, Virginia, (adopted June 12, 1978, as amended), the Title Owners ("Owners") of Fairfax County Tax Map 11-4-((22)), Parcels 1, 2, 11, 12 and 18, being described as a portion of Reston Parcel A, Block 1, Section 69 ("the Property"), on behalf of themselves and their successors and assigns, hereby voluntarily proffer that in the event PCA 79-C-032 is approved by the Fairfax County Board of Supervisors, development of the Property will be in substantial conformance with the proffers as set forth below.

All proffers made herein are contingent upon the approval of Proffer Condition Amendment ("PCA") 79-C-032. These proffers, if accepted, only amend the proffered trail location shown as part of 79-C-032; all other proffers and development conditions existing on the Property shall otherwise remain in full force and effect and are not amended hereby.

1. The Owners proffer that the location of the concrete sidewalk and related improvements shall be in substantial conformance with the PCA Plat, entitled "Development Plan Amendment to the 23rd Addition to The First P.R.C. Zoning Case No. 79-C-032 (Approved March 3, 1980) Topography, General Layout, Type Land Use, and Major Walkway System Northern Sector Reston", prepared by Reston Land Corporation Engineering Division, Reston, Virginia dated July 1986, and amended through April 20, 1999 (the "PCA Plat"). The PCA Plat is incorporated herein.

2. The Owners agree to prepare and submit to Fairfax County a revision to Fairfax County SP 8473-SP-02 deleting the 8' asphalt walkway and adding the 6' concrete sidewalk on Waterfront Road, as shown on the PCA Plat. The revision shall be in substantial conformance with the PCA Plat incorporated herein.

3. Upon approval of the revised Fairfax County 8473-SP-02 referenced in Proffer Number 2 above, the Owners shall construct the improvements as proffered above and detailed on the approved revised site plan.

RECEIVED

DEPARTMENT OF PLANNING AND ZONING

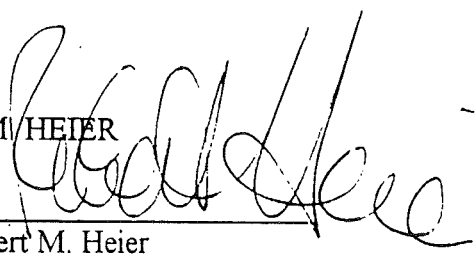
Signatures Follow on Next Page

MAR 7 2000

ZONING EVALUATION DIVISION

ROBERT M. HEIER

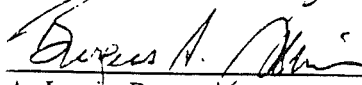
By:

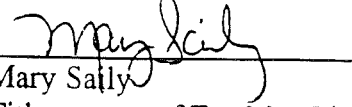

Robert M. Heier

Title owner of Tax Map Identification
Number 11-4 ((22)) (1), Parcel 1

Signatures Continue on Next Page

A. LEVIN BURGESS and MARY SAILY

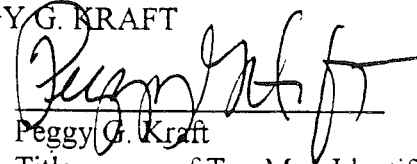
By: 
A. Levin Burgess

By: 
Mary Saily
Title owners of Tax Map Identification
Number 11-4 ((22)) (1), Parcel 2.

Signatures Continue on Next Page

PEGGY G. KRAFT

By:

A handwritten signature in black ink, appearing to read 'Peggy G. Kraft', written over a horizontal line.

Peggy G. Kraft

Title owner of Tax Map Identification
Number 11-4 ((22)) (1), Parcel 11.

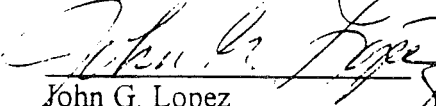
Signatures Continue on Next Page

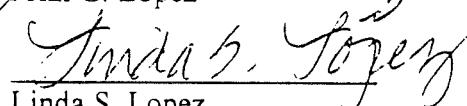
GLENN T. DAVIS

By: Glenn T. Davis
Glenn T. Davis
Title owner of Tax Map Identification
Number 11-4 ((22)) (1), Parcel 12.

Signatures Follow on Next Page

JOHN G. LOPEZ and LINDA S. LOPEZ

By: 
John G. Lopez

By: 
Linda S. Lopez

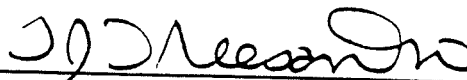
Title owners of Tax Map Identification
Number 11-4 ((22)) (1), Parcel 18.

WESTERRA RESTON, L.L.C.
11450 BARON CAMERON AVENUE, RESTON, VIRGINIA 20190
TEL: (703)787-7500 FAX: (703)787-4700

Westerra Reston, L.L.C., agrees to perform any and all work related to the fulfillment of the attached proffers (Exhibit A), entitled "Reston Section 69, Block 1 Proffer Statement, Proffered Condition Amendment, PCA 79-C-032."

WESTERRA RESTON, L.L.C.
A Delaware limited liability company

By: WESTERRA MANAGEMENT, L.L.C.
a Delaware limited liability company
its authorized representative

By: 
Name: Thomas J. D'Alesandro
Title: Vice President
Date: February 7, 2000

